

FILED

JAN 9 1991

JOSEPH F. SPANIOL  
CLERK

(4)  
No. 90-922

---

In The  
Supreme Court of the United States  
October Term, 1990

---

ANDREW D. SCHOLBERG, et. al.,

Petitioners,

v.

AARON S. LIFCHEZ, et. al.,

Respondents.

---

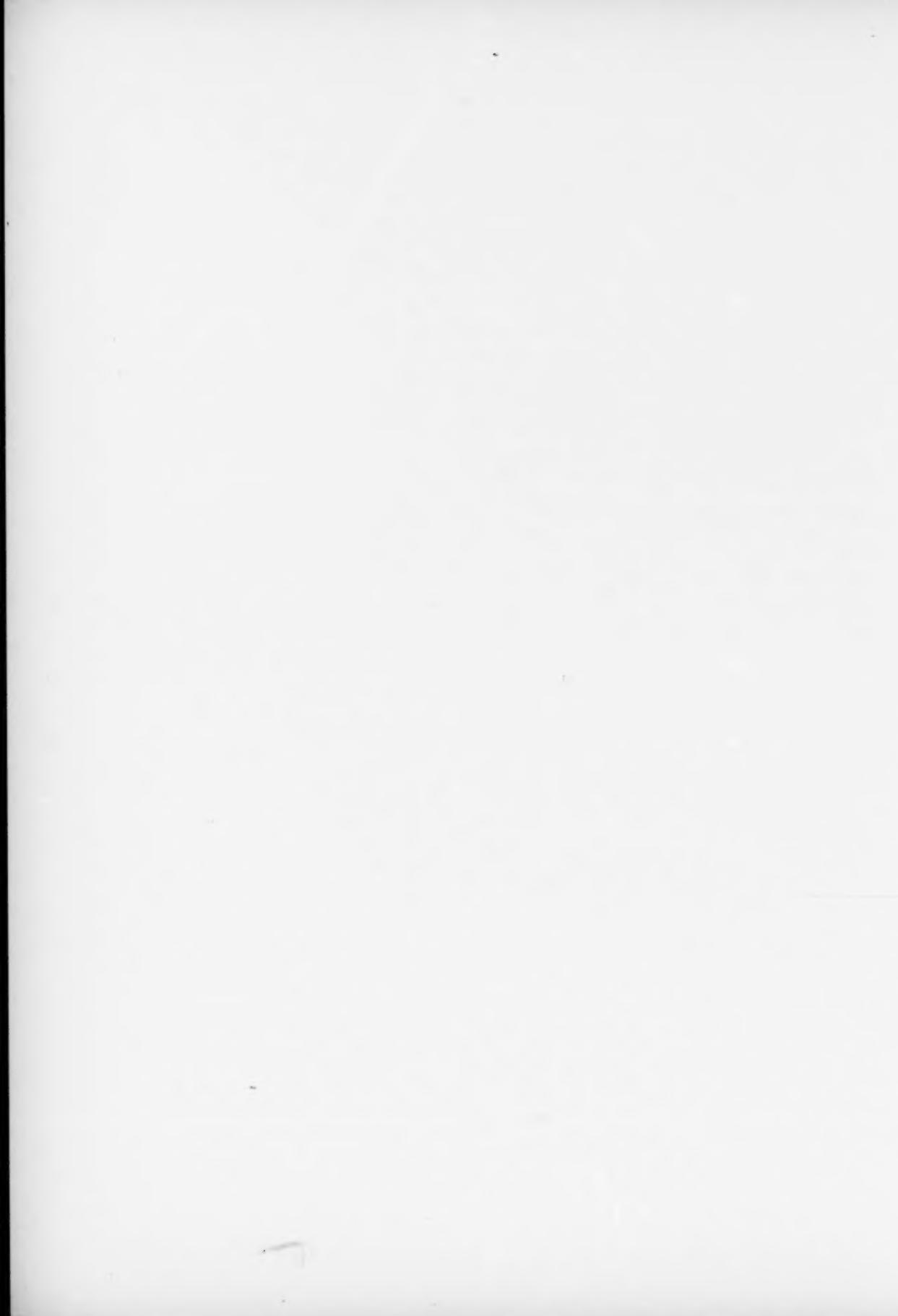
AMICUS BRIEF OF  
CONCENTRATION CAMP SURVIVOR  
EVA EDL  
AS AMICUS CURIA  
IN SUPPORT OF  
PETITION FOR WRIT OF CERTIORARI

KENNETH W. BLAN, JR.

Attorney at Law  
427 North Vermilion  
Danville, IL 61834  
(217) 443-5400

*Counsel for Amicus  
Curia Eva Edl*

---



## TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES.....	ii
Federal Cases.....	ii
Supreme Court.....	ii
Seventh Circuit.....	ii
Northern District of Illinois.....	ii
State Constitutional Provisions.....	ii
State Statutes.....	ii
Miscellaneous.....	ii
INTEREST OF AMICUS.....	1
SUMMARY OF ARGUMENT.....	2
ARGUMENT.....	3
CONCLUSION.....	6

**Note:** This Amicus Brief is being filed with the consent of all of the parties. Consents are on file with the Office of the Clerk.

## **TABLE OF AUTHORITIES**

### **Federal Cases**

#### **Supreme Court**

- Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705,  
35 L.Ed.2d 147 (1973).....5

- Webster v. Reproductive Health Services*,  
109 S.Ct. 3040, 106 L.Ed.2d 410 (1989).....5

#### **Seventh Circuit**

- Lifchez v. Hartigan*, 914 F.2d 260 (7th Cir. 1990).....4

#### **Northern District of Illinois**

- Lifchez v. Hartigan*, 735 F.Supp. 1361 (N.D.Ill. 1990).....4

### **State Constitutional Provisions**

- Illinois Constitution of 1970, Article I, Section 2.....5

- Illinois Constitution of 1970, Article I, Section 12.....5

### **State Statutes**

- Illinois Revised Statutes, Chapter 38, Section 81-21.....5

### **Miscellaneous**

- Communiqué from the Reichskommisar for the  
Ostland to the Reichsminister for the Occupied  
Territories, dated June 18, 1943.....2

## **INTEREST OF AMICUS**

The amicus, Eva Edl, was a concentration camp survivor from World War II and its aftermath. Atrocities were legally sanctioned since the victims were non-persons.

Being denied her personhood and then surviving for nineteen months in the Gakovo concentration camp, Eva Edl wants to share her unique perspective with the Court and present the urgent need to recognize the personhood of all human beings.

Eva Edl strongly supports the Petition for Writ of Certiorari which is pending before the Court.

## SUMMARY OF ARGUMENT

During World War II concern had been spreading within the Third Reich as to what the effect upon the war effort would be if the concentration camp atrocities were made known to the free world.

On June 18, 1943 the Reichskommisar for the Ostland sent a communique to the Reichsminister for the Occupied Eastern Territories which included the following excerpt:

"Just imagine that these events were to become known to the enemy! And were being exploited by them! In all probability, such propaganda would be ineffective simply because those hearing and reading it would not be prepared to believe it."

Most cannot believe the horrendous atrocities which occur when a human being is denied personhood.

Most cannot believe the horrendous atrocities which will occur if the personhood of Illinois unborn children under duly enacted state constitutional and statutory provisions is not recognized by the federal judiciary.

Only the granting of the Petition for Writ of Certiorari will stop the atrocities that are about to happen.

## **ARGUMENT**

My name is Eva Edl. I was born in what is now Yugoslavia. I am a naturalized American citizen and presently live in Aiken, South Carolina.

I wanted my attorney to express my feelings in my words. I am sorry and apologize if I do not say things that I should have or say things that I should not have.

In the 1940's when I was nine years old, I was taken to the Gakovo extermination camp in Yugoslavia. I was too young to be in one of the labor camps.

In Gakovo we were left to die of starvation, disease and exposure to the elements. Everyone was either young like myself, or old and disabled.

People began to die very quickly, approximately fifty to eighty a day. My aunt died, and my cousin died too.

The dead were thrown into mass graves of five to seven hundred people. Once the commanding officer shot a woman in front of her child and then kicked her body into a mass grave. She had refused to willingly have sex with him.

Other women were raped in sexual orgies. I was lucky. I was either too young or simply not desired by one of the guards.

Torture was common. We had no medical aid.

All of these things happened because then the law considered us non-persons. We were the property of the state.

The guards could do anything that they wanted to do. I even heard of women being dissected after being raped by the guards.

After nineteen months my family escaped. We first went to Hungary and then to Austria. In 1955 we were allowed to come to the United States.

I cannot tell you how much joy I felt to be able to come to the country that stood for freedom. My joy was complete when I became a citizen of this great country.

My life has been good. I married, had three children, and shared many wonderful years with my husband who died just this last year of cancer.

Everyone's life has its moments of joy and its moments of sadness, but there is no comparison between a life in freedom and a life in tyranny. This I know.

When I heard that the District Court in this case<sup>1</sup> was allowing expectant mothers to sell their unborn children, I was shocked and sick to my stomach. I thought that such things could not happen in this great country. I came here to escape such things.

How can an unborn child be the property of her mother, just as we were the property of the state in the Gakovo extermination camp? This cannot be happening here, not again, not in America.

Then I heard that the Appellate Court in this case<sup>2</sup>

---

<sup>1</sup>*Lifchez v. Hartigan*, 735 F.Supp. 1361 (N.D.Ill. 1990).

<sup>2</sup>*Lifchez v. Hartigan*, 914 F.2d 260 (7th Cir. 1990).

would not listen to the little ones, that they had no right to be in court. They could not ask the court for help. They could not stop their own sale. How can this be?

Illinois has a law that says that an unborn child is a legal person from conception.<sup>3</sup> How can the courts ignore this law and not listen?

When I was in Gakovo, there was no hope, no one to write to, no one to ask for help. By law I was a non-person. No one would listen.

Every form of identification was taken from us, every piece of paper. We were no one, and the guards wanted us to know that we were no one. We were treated like animals, even worse than animals. Escape was the only hope. I was lucky. I escaped.

I am asking for hope for the little ones. They are not no one. But they cannot escape without your help. Please give the little ones the opportunity to be heard. Please listen to their little voices.

---

<sup>3</sup>Illinois Revised Statutes, Chapter 38, Section 81-21, provides that once *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed2d 147 (1973), is modified, an unborn child in Illinois is by law recognized as a human being and as a legal person from the time of conception. Since *Webster v. Reproductive Health Services*, 109 S.Ct. 3040, 106 L.Ed.2d 410 (1989), modified *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973), an unborn child in Illinois is now entitled to the right to life from conception and is guaranteed equal access to the courts to allow her to protect her life and liberty interests. See Illinois Constitution of 1970, Article I, Section 12, which provides in relevant part that "Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person...," and Section 2, which provides in relevant part that "No person shall be deprived of life, liberty...without due process of law nor be denied equal protection of the laws."

They do not have to be denied medical care.

They do not have to be tortured in experiments and die.

They do not have to be dissected to have their little organs taken from them and then left to die.

This is still a great country. I still believe in this country. I still have hope. Where else can a citizen like myself speak to the highest court of the land.

This is the United States. This is not the Gakovo extermination camp. But if it happens here, where are we to go? This is the only America. And I am too old to flee once again.

## **CONCLUSION**

For all of these reasons, I am asking this Most Honourable Court, the Supreme Court of the United States of America, to grant the Petition for Writ of Certiorari.

Respectfully and reverently submitted,

**EVA EDL**

By KENNETH W. BLAN, JR.  
Attorney at Law  
427 North Vermilion  
Danville, IL 61834  
(217) 443-5400

*Counsel for Amicus  
Curia Eva Edl*

